

BOARD OF APPEALS CASE NO. 5275

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BEFORE THE

APPLICANTS: Raymond & Christine Krstel

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ZONING HEARING EXAMINER

**REQUEST: Variance to permit an addition and
existing dwelling within the required setbacks;
4100 Autumn Drive, Jarrettsville**

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OF HARFORD COUNTY

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Hearing Advertised

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Aegis: 8/7/02 & 8/14/02

HEARING DATE: September 16, 2002

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Record: 8/9/02 & 8/16/02

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ZONING HEARING EXAMINER'S DECISION

The Applicants, Raymond and Christine Krstel, are seeking a variance, pursuant to Section 267-35B, Table III, of the Harford County Code, to permit an addition and an existing dwelling within the 50 foot rear yard setback (35 feet for addition proposed and 45 feet existing for dwelling) and an addition within the required 15 foot side yard setback (10 feet proposed).

The subject parcel is located at 4100 Autumn Drive, Jarrettsville, MD 21084 and is more particularly identified on Tax Map 23, Grid 3E Parcel 155, Lot 15. The parcel consists of 0.87± acres, is zoned RR/Rural Residential and is entirely within the Fourth Election District.

The Applicant, Mr. Raymond Krstel appeared and testified that he wishes to add an addition to his 3 bedroom ranch home. The addition will consist of a two-car garage and master bedroom suite. The witness indicated that his stepparents will be living with his family and his current rancher, at 1900 square feet is simply not adequate to accommodate all of his family members. The property was described by the witness as unique, first being a corner lot subject to front yard setbacks and secondly, the land slopes from the front to the rear of the home significantly. The septic area is located to one side of the house and the back yard is long and narrow. The proposed location is the only practical location for the garage and bedroom addition. The witness pointed out that the garage actually will lie behind the house and cannot be seen from the front of the house so there is no visual impact resulting from the addition. The addition will be constructed so the materials match the existing dwelling.

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The existing house already encroaches into the setback by 5 feet as it was improperly placed there when built. The witness indicated it would be a hardship for his family if they could not expand their living and storage space. Mr. Krastel did not think there would be any adverse impacts to adjoining properties or property owners as a result of a grant of the variances requested.

The Department of Planning and Zoning recommends approval of the request, finding the use proposed compatible with the neighborhood and further finding the parcel to have unique features warranting the grant of the requested variances.

There were no persons who appeared in opposition to the subject request.

CONCLUSION:

The Applicants, Raymond and Christine Krastel, are seeking a variance, pursuant to Section 267-35B, Table III, of the Harford County Code to permit an addition and an existing dwelling within the 50 foot rear yard setback (35 feet for addition proposed and 45 feet existing for dwelling) and an addition within the required 15 foot side yard setback (10 feet proposed).

Harford County Code Section 267-11 permits variances and provides:

"Variances from the provisions or requirements of this Code may be granted if the Board finds that:

- (1) By reason of the uniqueness of the property or topographical conditions, the literal enforcement of this Code would result in practical difficulty or unreasonable hardship.
- (2) The variance will not be substantially detrimental to adjacent properties or will not materially impair the purpose of this Code or the public interest."

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The Hearing Examiner agrees with both the Applicant and the Department of Planning and Zoning and finds the subject parcel unique. Additionally the grant of the variance will not adversely impact adjoining properties nor will the purposes of the Zoning Code be materially impaired. There are no safety issues related to this request.

For the foregoing reasons the Hearing Examiner recommends approval of the subject request, subject to the Applicants obtaining any and all necessary permits and inspections.

Date OCTOBER 16, 2002

William F. Casey
Zoning Hearing Examiner